

Amendment and Response Under 37 C.F.R. 1.116

Applicant: Tod A. Kinsley et al.

Serial No.: 10/736,245

Filed: December 15, 2003

Docket No.: 200309606-1 (H302.336.101)

Title: MEDIA TRAY DAMPER

REMARKS

The following remarks are made in response to the Final Office Action mailed October 3, 2005. Claims 1, 2, 7, 8, 10, and 13-21 were rejected. Claims 3-6, 9, 11, and 12 have been objected to. With this Response, no claims have been amended, claims 14-20 have been canceled, and new claims 22-28 have been added. Claims 1-13 and 21-28 remain pending in the application and are presented for reconsideration and allowance.

In the Drawings

In the Office Action mailed on June 17, 2005, the drawings were objected to regarding reference numeral 112. Applicant has submitted proposed corrected drawings for Figures 3-5, deleting the reference numeral 112. Applicant also has submitted corrected drawings, in the event that the proposed corrected drawing is approved. Accordingly, Applicant respectfully requests withdrawal of the objection to the drawings.

Claim Rejections under 35 U.S.C. § 102

In the Office Action, claims 14-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Katsuyama U.S. Patent 6,848,685 (the Katsuyama Patent).

Applicant's have canceled claims 14-20 without prejudice.

Accordingly, Applicants respectfully request withdrawal of the rejection of claims 14-20 based on Katsuyama and Yen under 35 U.S.C. §102.

Claim Rejections under 35 U.S.C. § 103

In the Office Action, claims 1, 2, 7, and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Katsuyama Patent in view of Takahashi U.S. Patent 6,595,514 (the Takahashi Patent), in further view of Kobayashi U.S. Patent Publication 2003/0044594 (the Kobayashi Publication).

As shown in Figures 6A-6B and 7 of the Katsuyama Patent, stubs 24 (fitted within annular slide resistance members 45) are arranged at a side of tray 20 but do not define a finger portion protruding from an end of a media tray, as claimed by Applicant.

The Takahashi Patent fails to cure the deficiencies of the Katsuyama Patent regarding the finger portion protruding from an end of a media, as claimed by Applicant, because the

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Takahashi Patent discloses a tray 3 with hinge holes 6 (Figures 3-4) and pins 5 on main body case 2. See the Takahashi Patent Column 3, lines 12-32.

The Kobayashi Patent, which is directed to resins in general, fails to cure the deficiencies of the Katsuyama Patent and of the Takahashi Patent regarding the finger portion protruding from an end of a media tray, as claimed by Applicant.

In addition, as admitted in the Office Action, both the Katsuyama Patent and the Takahashi Patent fail to disclose the finger portion being made of a thermoplastic material.

For these reasons, the Katsuyama Patent, the Takahashi Patent, and/or the Kobayashi Publication fail to teach or suggest Applicant's independent claim 1. Accordingly, Applicant's believe that independent claim 1 is allowable over the Katsuyama Patent, the Takahashi Patent, and the Kobayashi Patent. Claims 2-13 are believed to be allowable based on their dependency from independent claim 1.

In the Office Action, claim 1 was rejected under 35 U.S.C. § 103(a) based on the Yen Patent in view of Joyce U.S. Patent 5,626,225 (the Joyce Patent) and Winberg U.S. Patent 6,026,776 (the Winberg Patent).

The Yen Patent discloses actuating end 143 that contacts arc slide 134 (Figures 3A-3B) when tray 12 is in a closed, upright position and that is not in contact with arc slide 134 when tray 12 is in an open, downward position. Therefore, actuating end 143 and arc slide 134 of the Takahashi Patent do not correspond to a damper disposed on a frame, and including a contact portion shaped for maintaining frictional engagement with a finger portion of a media tray, as claimed by Applicant.

The Joyce Patent and the Winberg Patent fail to cure the deficiencies of the Yen Patent regarding the substantially continuous frictional engagement as the Joyce Patent is directed to compact disc-related structures and the Winberg Patent is directed to automotive crankshaft structures, with neither disclosing the claimed finger portion configured to maintain frictional engagement, as claimed by Applicant.

For these reasons, the Yen Patent, the Joyce Patent, and/or the Winberg Patent fail to teach or suggest Applicant's independent claim 1. Accordingly, Applicant's believe that independent claim 1 is allowable over the Yen Patent, the Joyce Patent, and the Winberg Patent. Claims 2-13 are believed to be allowable based on their dependency from independent claim 1.

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In the Office Action, claim 21 was rejected under 35 U.S.C. § 103 based on the Takahashi Patent in view of the Katsuyama Patent.

Applicant's independent claim 21 specifies a media handling device comprising, among other things, a frame comprising a pair of first protrusions with each first protrusion disposed on opposite sides of the frame and at least one second protrusion positioned adjacent one of the first protrusions of the frame.

As admitted in the Office Action, the Takahashi Patent fails to disclose at least one second protrusion positioned adjacent one of the first protrusions of the frame, and the Takahashi Patent fails to disclose a damper including a slot.

The Katsuyama Patent fails to cure the deficiencies of the Takahashi Patent.

First, the Katsuyama Patent also fails to disclose at least one second protrusion, as claimed by Applicant, because the Katsuyama Patent fails to disclose a pair of first protrusions on the frame and because the bearing 22 alleged in the Office Action to comprise the at least second protrusion apparently is not a protrusion but rather a structure adapted to receive one type of a protrusion, such as stubs 21. The Figures of the Katsuyama Patent (e.g. Figures 3-6, 8) do not illustrate these bearings other than in cross-section, which appear to reveal the bearing a circular shaped hole to receive stub(s) 21. Accordingly, the Figures of the Katsuyama Patent apparently do not reveal how bearings 22 are formed on or within housing 2 or hollow 5, and therefore do not show a protrusion, nor does the accompanying description reveal the structure of bearings 22. Accordingly, the Katsuyama Patent does not disclose a second protrusion on the frame in addition to a pair of first protrusions on the frame, as claimed by Applicant.

In further contrast to the Katsuyama Patent, Applicant's amended claim 21 also specifies that the damper includes a slot.

The Katsuyama Patent discloses that the slide resistance members 45 (see Figures 6A-6B) are annular and fitted onto stubs 21, but within bearings 22. See the Katsuyama Patent at Column 7, lines 1-28. The annular configuration of the slide resistance members 45 do not define a slot of a damper configured for mounting the damper on at least one second protrusion of a frame of a printer, as claimed by Applicant.

Accordingly, the second protrusion and damper in Applicant's amended independent claim 21 provide a substantially different structure than the arrangement of the annular side

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resistance member 45, stub 21, and bearing 22 in the Katsuyama Patent. Therefore, one cannot combine the Katsuyama Patent and the Takahashi Patent and arrive at Applicant's claim 21.

For these reasons, the Takahashi Patent and the Katsuyama Patent fail to teach or suggest Applicant's independent claim 21. Accordingly, Applicant's believe that independent claim 21 is allowable over the Takahashi Patent and the Katsuyama Patent.

In the Office Action, claim 10 was rejected under 35 U.S.C. 103 (a) based on the Takahashi Patent, in view of the Katsuyama Patent, and the Kobayashi Patent. Claim 10 is believed to be allowable based on its dependency from independent claim 21, which is believed to be allowable for the reasons previously presented.

In light of the above, Applicants respectfully request withdrawal of the rejection of claims 1, 2, 7-8, 10, 13, and 21 based on Katsuyama, Takahashi, Kobayashi, Yen, Winberg, and/or Joyce under 35 U.S.C. §103.

Allowable Subject Matter

In the Office Action, claims 3-6, 9 and 11 were objected to for being dependent upon a rejected base claim, but indicated to be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims and if rewritten to overcome any 35 U.S.C. §112 rejections

Applicant has presented new claim 22 which corresponds to "objected to" claim 3 in rewritten form along with the limitations of the base independent claim 1. Claims 23-25, which correspond to "objected to" claims 4-6, are believed to be allowable based on their dependency from claim 22. New claim 26 corresponds to "objected to" claim 9 in rewritten form along with the limitations of intervening claim 7 and base independent claim 1. New claim 27 corresponds to "objected to" claim 11 in rewritten form along with the limitations of base independent claim 1. Claim 28, which corresponds to claim 12 is believed to be allowable based on its dependency from claim 27.

Accordingly, Applicant respectfully requests allowance of new claims 22-28 based on their presentation in allowable form.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-13 and 21-28 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-13 and 21-28 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to Robert Wasson at Telephone No. (360) 212-2338, Facsimile No. (360) 212-3060; or, to Paul S. Grunzweig at Telephone No. (612) 747-2504, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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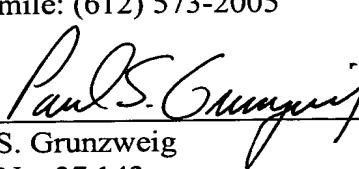
Respectfully submitted,

Ton A. Kinsley et al.,

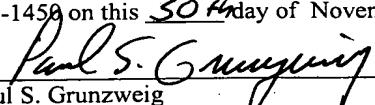
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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 30th day of November, 2005.

By 
Name: Paul S. Grunzweig

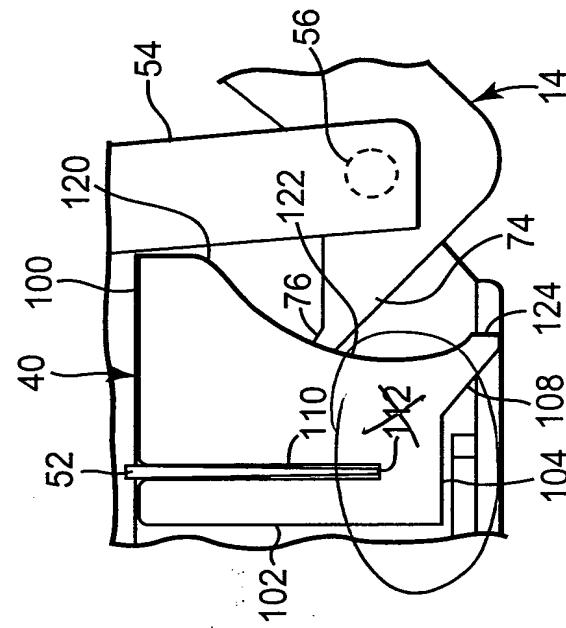


Fig. 4

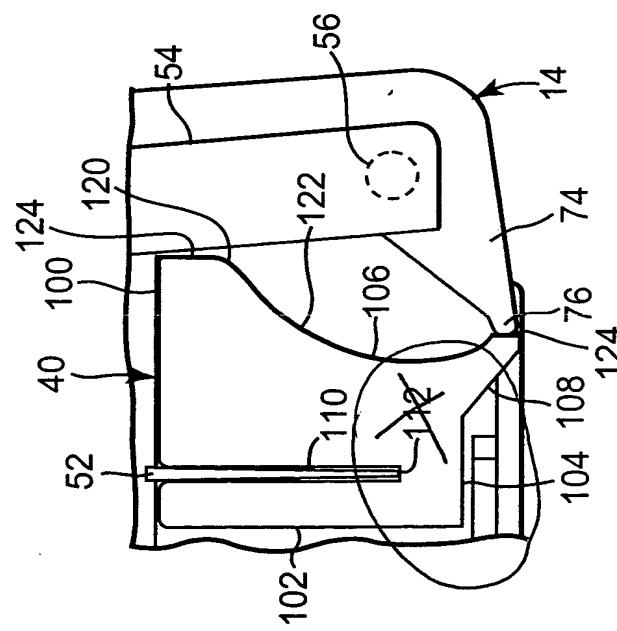


Fig. 3

PROPOSED DRAWING
CHANGE

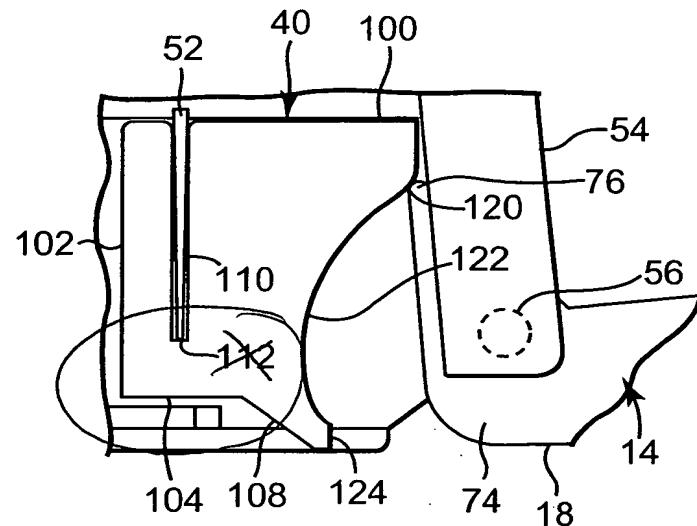


Fig. 5

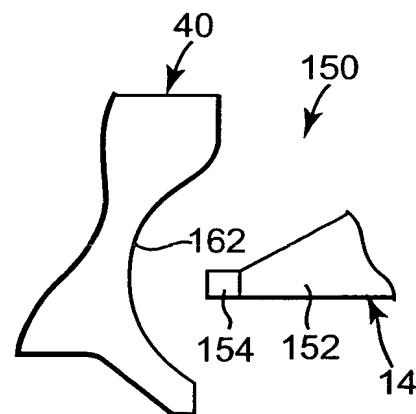


Fig. 6

PROPOSED DRAWING
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